

NEWINGTON TOWN PLAN AND ZONING COMMISSION

April 25, 2012

Regular Meeting

Chairman Pruet called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in the Town Council Chambers at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

I. ROLL CALL

Commissioners Present

Commissioner Anest
Commissioner Camerota
Commissioner Hall
Commissioner Lenares
Chairman Pruet
Commissioner Sobieski
Commissioner Woods
Commissioner Aieta
Commissioner Camillo

Commissioners Absent

Staff Present

Craig Minor, Town Planner

Chairman Pruet: Again, I'd like to welcome our new Town Planner for official first meeting, Craig Minor, welcome again Craig. He was a visitor at the last meeting and I just wanted to welcome him to the Town of Newington.

I apologize for tonight's change in our room, we're doing some extensive repairs and renovations, sound, audio, so hopefully at our next meeting we will be all set for our continuing new room.

II. PUBLIC HEARINGS

- A. PETITION 01-12 – 262 Brockett Street, Gianni DiDomenico, Sculptures Salon, 262 Brockett Street, Newington, CT 06111, applicant, JGF Holding Company LLC, 17 Farmington Avenue, Plainville, CT 06062 owner, request for Special Exception Section 3.2.6 school for cosmetology training, B-BT Berlin Turnpike Business Zone District.**

Chairman Pruet: Is the applicant here?

Audience: He's running late, but I'm the owner of the building and I can speak for him.

Chairman Pruet: Okay, sure. If you would come forward to the microphone and just state your name and address for the record.

John G. Falnano: I live in Berlin, 798 Southington Road. I'm here for Gianni, I guess he is looking for the zoning for a cosmetology school and I guess you guys were looking for a signed parking. He misunderstood. I told him I had a verbal with Puerto Vallarta, we've been talking, that's for about two years now and I know that there was a problem with on the street

parking but we've resolved that. One of the main reasons that we were looking to expand, a couple students a year for this is so that we can control the parking. Because I know the expansion, if we rented out the next unit, it's got to be five parking spots to allow it for somebody to come in, so for us to expand, we have two assistants right now, if we took two students in it would be a swap, like we wouldn't have assistants any more, we would have the students doing all of the assisting. So it wouldn't create any more parking and that was one of the reasons why we were thinking of doing this, is to keep the parking more in control, for our sake as well as the town's.

Chairman Pruet: So you are definitely going to use that space that is open now, you're going to add onto the school?

John Falnaro: That would be, that was the plan, I know Gianni is not here, but that was his plan, that's what we were, that's the reason that we were going to go forward with the cosmetology school to take the space next door and try to not have the parking any more than what it is.

Chairman Pruet: Do you know if he is going to secure that letter from the restaurant.

John Falnaro: The deal that we have with Puerto Vallarta, he's going to expand his parking and we are going to get a letter, I'm actually going to give him some money for the parking, so we can have like a shared process, but I think he wants the money, I guess he is going through the final, he's got it approved, he's going through the final plans and pricing for how much it is going to cost him, and once that is done, we are going to have an agreement where I give him a good deposit to help with the parking and then, we share, but at the moment, it's been three years we've been sharing parking and there hasn't been a problem with that.

Chairman Pruet: Okay, thank you sir. This is a public hearing, any comments from our Planner before.... any questions from the Commission?

Commissioner Lenares: My question is for the Planner. Craig, I was absent from the last meeting as you probably know, and I did read the minutes and the one question, just for the record, for my understanding I hear that the applicant is working with this neighbor which is nice to see that they have some sort of working relationship, but the building, overall needs to meet, or needs to get a certain amount of parking spaces per square footage of the building. Is this parking lot, based on the square footage of the building, I mean, is in compliance?

Craig Minor: Yes, the building is approximately 7790 square feet and under our parking regulations we require seven spaces per thousand for a building this size. That comes to 56 parking spaces, and there are 56 parking spaces currently. The only question is would a quote school generate the need for more parking than retail. I think that was the issue that the Commission was dealing with....

Commissioner Lenares: Well the question I had was, in my own mind when I read the minutes of the last meeting, was, I understand that with the, and I think knowing that the plaza between the salon and I believe it is a small bakery, it does create some traffic, but I mean, we as a Commission don't have any control on how much traffic a plaza generates and as I said earlier, if Wal-Mart has X amount of parking spaces and have a huge sale, that is really not our problem. I understand that they need to meet certain requirements as they should. When I asked that question I was assuming that the answer obviously would have been yes they do otherwise the building wouldn't have been allowed to be built, so I just wanted to clear that up for the record and my own knowledge. Thank you.

Chairman Pruet: I had assumed that from our last, our acting Town Planner, he reviewed the parking area and he observed that there are problems with the existing, so we do have, under Special Exception we can look at that parking needs, and they don't appear to be adequate at this time, even though they meet the regulations, under a Special Exception we do have some latitude where we can dictate, something like this, an addition of a new school, or something else, so that is what we are on right now, and I believe the petitioner is complying with our request.

Is there any body from the public wishing to speak in favor of this petition? Anybody from the public wishing to speak against this petition?

I recommend that we close this petition and move it to Old Business and we can further discuss it at our next meeting when we have the opportunity for the owner to present his findings. Is that a consensus that I could.....okay, very good, so we are going to close that.

III. **PUBLIC PARTICIPATION** (relative to items not listed on the agenda – each speaker limited to two minutes.)

Rose Lyons, 46 Elton Drive: I would like to welcome the Town Councilors to the TPZ meeting, Councilor Borjeson and Councilor Bottalico, thank you for coming.

IV. **MINUTES**

April 11, 2012 – Regular Meeting

Commissioner Sobieski moved to accept the minutes of the April 11, 2012 Regular meeting. The motion was seconded by Commissioner Camerota. The vote was unanimously in favor of the motion with seven voting YES.

V. **COMMUNICATIONS AND REPORTS**

Craig Minor: This is my opportunity to give you background on the pending Old Business applications?

Chairman Pruet: Yes.

Craig Minor: Okay. Then let me start with some comments on, probably the most important one, the Bassett Furniture one, unless you want me to go in some other order?

Chairman Pruet: That's fine.

Craig Minor: The issue seems to be whether the amount of parking that they are proposing to offer is functionally enough for a furniture store. Their traffic consultant submitted the document and they have recommended two parking spaces per thousand, so the question is, is that really enough in relation to the whole thing. So I did some research, I have a document that lists the amount of parking requirements in towns around the country and I found that either two spaces per thousand or even less is not at all uncommon. I found some towns that were at 1.5 parking spaces per thousand, so it would not be unreasonable, it's at your discretion, but it would not be at all unreasonable for you to agree that two spaces per thousand is sufficient and so there is enough parking on the site for the existing building and the mezzanine. Now the other issue was, well, what if the Commission approves this and for whatever reason Bassett doesn't work out, now the owner has a building with too much floor space for anybody other than a furniture store. The applicants have agreed that if it is approved and for whatever reason Bassett moves out, the owner would either remove the mezzanine or come to you and ask for your permission to bring in a new tenant, and then the

burden would be on the applicant to convince that you can, doesn't require more parking that this site can offer.

I prepared a draft motion for the other two applications, but I don't, the other question on Bassett was if the building complied with your thirty-five foot height requirement and they have submitted architectural renderings which you have in front of you that do show that the false front is at the thirty-five height, so it does comply with your regulations.

Chairman Pruet: Anything else? Any questions for the Town Planner?

Commissioner Aieta: Just a quick question. Have you reviewed the parking requirements for the entire site, the calculations that they gave to the Commission? Have you reviewed those against the square footage for all of the restaurants and the retail space and the bank, do you conclude with the findings of the applicant?

Craig Minor: Yes, I did go back this afternoon and double check. I checked each of the units. The one thing that I do want to bring up that I was told, that the previous Town Planner was aware of this, they're going basing their amount of parking for the restaurants on the basis of forty percent of the square footage. Now your regulations do say for a restaurant the amount of parking is based on, I forget the term, public space, or usable space as opposed to gross space. I thought forty percent seemed kind of low, I know that restaurants do have a lot of preparation area, but I discussed it with their attorney earlier today and he informed me that it was his understanding that Ed Meehan had gone over that, and that the forty percent figure was acceptable to Ed, so I don't recommend that we re-visit that at this point. So, yes Mr. Aieta, there is sufficient parking for all of these.

Commissioner Aieta: Just to clarify, that's based on using the formula, forty percent of the gross square footage?

Craig Minor: Of the restaurants.

Commissioner Aieta: Of the restaurants. Did anyone take into consideration the seating capacity of the restaurant? Or the occupancy of the building with the restaurant?

Craig Minor: Your regulations don't do that. Some do, the regulations that I'm used to in Cromwell base the parking for a restaurant on the number of seats, which is a perfectly reasonable approach. Newington doesn't do that. Newington bases it on the public accessible portions of the square footage of the building.

Commissioner Aieta: So if you are doing it by forty percent of the gross area, you would have to have the interior layout of the restaurants to be able to determine what is public area and what is not. Am I correct?

Craig Minor: True, correct.

Commissioner Aieta: Do we have a plan for the DiBella's Grinder Shop?

Craig Minor: No.

Commissioner Aieta: Then how would you determine what is public and what is not in that particular instance when we only got, at the last hearing, a advertisement, or a promotional brochure from DiBella's. Not any floor plan, not anything else.

Craig Minor: That's a legitimate question and the answer that I'm going to give is that I've been informed that the previous Town Planner was satisfied with the forty percent and that's, I know it's not a very firm answer, but that is the only answer that I can give you.

Chairman Pruet: So the square footage of the building hasn't changed from what we approved.

Craig Minor: Correct.

Commissioner Aieta: But they, the square footage might have changed, but the formula for calculating restaurants or retail to different things, that changed. There is more required for square footage for a restaurant than there is for retail.

Chairman Pruet: But using that forty percent capacity Craig, you feel that it is adequate for what those members added with that plan.

Craig Minor: I don't have an opinion. I'm not qualified to have an opinion because I don't know the restaurant business that definitively to know whether forty percent is a good figure. If the Commission likes, I can do more research into it, it just came (inaudible) to when I double checked the real estate at the Commission's request.

Chairman Pruet: Anything else?

Craig Minor: No.

Chairman Pruet: Anybody else? Any other reports to add?

Craig Minor: Nothing in front of me.

NEW BUSINESS

None

VI. OLD BUSINESS

- A. PETITION 02-12 – 3573 Berlin Turnpike at corner of Rowley Street, known as Maguire Sports Bar, Brown Realty LLC owner, contact James Brown 59 Cove Road, Lyme, CT 06371 request for Special Exception Section 3.10 restaurant use, PD Zone District. Public Hearing closed April 11, 2012. Sixty-five day decision period ends June 15, 2012.**

Commissioner Anest moved that Petition 02-12 - 3573 Berlin Turnpike at corner of Rowley Street, known as Maguire Sports Bar, Brown Realty LLC owner, contact James Brown 59 Cove Road, Lyme, CT 06371 request for Special Exception Section 3.19 (restaurant use in the PD Zone District) be approved for the use of a 3,500 square foot as a restaurant.

FINDINGS:

- The Commission finds that the proposed use is compatible with the area.
- In accordance with Section 6.1.1.J the Commission finds, based on information submitted by the applicant, that adequate provision has been made for the anticipated parking needs of the proposed use.

- The Commission has reviewed the architectural elevations submitted on April 23, 2012 (undated, unattributed) and finds it to be in compliance with Article 4.5 Table B Schedule of Height, Area and Yard Requirements.
- In accordance with Section 5.2.3 a public hearing was conducted at which no new issues of concern were presented.
- The specific criteria listed in Section 5.2.6 were considered.

The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with six voting YES.

- B. PETITION 05-12 – 3573 Berlin Turnpike at corner of Rowley Street, known as Maguire Sports Bar, Brown Realty LLC owner contact James Brown 59 Cover Road, Lyme, CT 06371, Site Development Plan Section 3.18 add 5,000 sq. ft. mezzanine, PD Zone District. Public hearing closed April 11, 2012. Sixty-five day decision period ends June 15, 2012.**

Commissioner Woods moved that Petition 05-12 - 3573 Berlin Turnpike at corner of Rowley Street, known as Maguire Sports Bar, Brown Realty LLC owner contact James Brown 59 Cove Road, Lyme, CT 06371, Site Development Plan Section 3.18 add 5,602 sq. ft. mezzanine, PD Zone District, be approved subject to the following conditions:

FINDINGS:

- The Commission finds that the proposed furniture store is compatible with the area.
- In accordance with Section 6.1.1.J the Commission finds, based on information submitted by the applicant, that adequate provision has been made for the anticipated parking needs of the proposed furniture store at the site.
- The Commission expressly recognizes that the lower parking generation typically exhibited by furniture retailers will allow for the use of the mezzanine for furniture display without generating significant parking demand, and that requiring two or less parking spaces per 1,000 square feet of floor area for a retail furniture activity is not an unusual zoning practice.
- In accordance with Section 5.2.3 a public hearing was conducted at which no new issues of concern were presented.
- The specific criteria listed in Section 5.2.6 were considered.

CONDITIONS:

1. The construction and use of the mezzanine is permitted by the Commission on the express condition that the tenant space will only be used by a furniture retailer.
2. Any future change in the occupancy of the tenant space to any use other than a furniture retailer will require:

- The express approval of the Commission, and/or
 - The removal of the mezzanine by the property owner.
3. Prior to any building permits being issued for the mezzanine, the owner shall file the "Certificate of Action" on the land records under the name of the property owner.
 4. A copy of the "Certificate of Action" shall be placed on the site plan, and a large note shall be placed on the drawing of the tenant space indicating Condition #2.

The motion was seconded by Commissioner. The motion was seconded by Commissioner Camerota. The vote was unanimously in favor of the motion, with six voting YES.

C. Newington Town Plan and Zoning Commission discussion of Zone Regulation Amendments

1. Add Section 3.15.8 to allow automotive uses by Special Exception
 - a. in the business Berlin Turnpike Zone (B-BT and
 - b. by extension, in the Planned Development District (PD).
2. Amend Section 6.11 Sale, Rental, Service or Storage of Motor Vehicles.

Referral to Capitol Region Council of Governments and Central Connecticut Regional Planning Agency for advisory comments initiated.

D. Public comment on possible zone amendment.

Chairman Pruett: Okay Craig, we're going to kick it over to you. I know that we had some discussions on that, some further information that we wanted to research.

Craig Minor: I prepared a memo which I distributed with an attached draft amendment, and hearing the Commissioner's comments at the last meeting, and in talking with the Chairman and talking with Glenn Chalder I got the impression that the Commission was not opposed to the idea of automotive uses on the Berlin Turnpike in general but you had some concerns. You were concerned about the aesthetics of used car dealerships and concerns about the garage bay doors facing street and being unattractive, so I suggest we deal with the first issue of allowing some automotive uses but not other, is to split the category of auto related uses into two separate categories. One category would be the category of, which I'm calling auto related uses, just like you currently do, and that would be used car dealers, new car dealers, general repairs and gas stations, so that would be one category if you will. The other category would be what I call Jiffy Lubes. Oil change facilities, brake shops, Midas Muffler, (inaudible), those would be called motor vehicle service uses. Two different categories, and what I am suggesting is the second category, the motor vehicle service use category would be allowed by Special Permit in the BT zone and the PD Zone.

Commissioner Lenares: What if they do both?

Craig Minor: They wouldn't be allowed to. They would have to.....

Commissioner Lenares: Like a gas station that does a little bit of work.

Craig Minor: They would not be allowed.

Chairman Pruett: What about, we discussed too about overhead doors, and residential.....

Craig Minor: Yes, what I'm suggesting is that you use the same mechanism that you do to alter the amount of buffers, by a two thirds vote if the Commission finds that it is warranted, basically if the Commission feels that the specific circumstances on a case by case basis warrant it, by a two thirds vote, you can alter the amount of hundred foot separation. The overhead doors, if you feel that the applicant has shown you a site plan with either landscaping or topography of such a nature that an outright prohibition of bay doors, overhead doors that face the street could be waived, not waived, but modified, altered by the Commission.

Chairman Pruet: Okay, so I see here under the proposed automotive uses, for example, 6.11.5, this requirement may be altered in accordance with Article 6.10.C when warranted by the level of density of the residential zone, in other words, some flexibility as we discussed last time.

Craig Minor: Yes, that refers to the hundred, well currently fifty foot separation which is proposed to increase to a hundred but along with increasing it to a hundred still gives the flexibility of that being alterable by the Commission.

Chairman Pruet: For example if it is an area where there are dense residential homes, there would.....

Craig Minor: If it's a lesser developed area.....

Commissioner Aieta: Mr. Chairman what area of the regulations are you citing that you are going to allow the reduction? What position in the regulations are you talking about, is that 10.4.....

Craig Minor: Do you have the two page proposed.....

Commissioner Aieta: I have the regulations. What section in the regulations does refer, is able to reduce the.....

Craig Minor: Well, I'm piggybacking the existing buffer regulations which is Article 6.10.C

Chairman Pruet: You're talking about the two thirds vote you mean, or for the.....

Craig Minor: Well, that's where the two thirds vote comes from.

Chairman Pruet: Right. Now what were you asking Frank?

Commissioner Aieta: Well, this is the same regulation that we have had problems interpreting and it's coincidental that it was just on the application that we just heard, that we have taken that regulation and it states that you could only reduce it by fifty percent and we, the Commissioners have interpreted it that you can reduce it down to whatever you want. We need, are we going by the fifty percent that it states in the regulations or are we going by, we can reduce it down to whatever we want. I mean, we've got to clarify that. If we are going to go by, I mean, we have had debates on this, you know what I'm talking about, whether it's fifty percent, you could go down to fifty percent of what it says, or we interpreting that the Commission has the latitude to go down to nothing, because that is basically what you did with the last application, reduce the front yard landscaping area down from thirty-five feet to five feet. You have to clarify that, which way you are going to interpret this regulation. Mr. Planner, how do you interpret this, by 6.10, or whatever, I'm not sure exactly.

Craig Minor: Well, as you say, the regulation does say.....

Commissioner Aieta: 6.10

Craig Minor: Correct. Not less than half of the requirement herein.

Commissioner Aieta: So we would only be able to reduce the distance, if we increased it from fifty to one hundred, we would only be able to reduce it back down to fifty.

Craig Minor: Correct.

Commissioner Aieta: Does everybody, the Commission understand that?

Chairman Pruet: I think what he put in under Section 6.11.5 on page 3, that the requirement could be altered in accordance with Article 6.10.C when warranted by the level of density of the residential zone, I guess you are emphasizing the fact that we can do that on a two thirds vote, just clarifying or adding.

Craig Minor: Adding, yes.

Chairman Pruet: So it would normally be one hundred feet, but if we decided with two thirds we could knock it down to fifty feet.

Craig Minor: But not less.

Chairman Pruet: Exactly. Does that answer that, Frank?

Commissioner Aieta: Yes, thank you.

Chairman Pruet: Okay, so we have this in front of us, anything else you can add to this that you tweaked.....

Craig Minor: No, unless you want to talk about the logistics of it, the RPA referral, the hearings, stuff like that....

Chairman Pruet: I'll open it up to the Commissioners, take a look at it, we've been discussing this now. I think from a couple previous meetings we looked at the flexibility. I think that flexibility factor is in here now. What other area can we discuss? If we did discuss this and finalize it for our purposes, we still have to kick it over to CRCOG, correct?

Craig Minor: That's my recommendation.

Chairman Pruet: And then it would be kicked back to be opened up to the public for their input and our continuing involvement with this.

Craig Minor: Right, now unfortunately because of the way that the calendar falls for the next month, thirty days from tomorrow, which would be the day I would send this to CRCOG, tomorrow is, the second meeting in May is less than thirty days from tomorrow, and the law says that I have to send it to CRCOG not less than thirty days before the hearing that you schedule, so that means you won't be able to have the hearing until your second meeting in June. I just wanted to make you aware of that.

Commissioner Aieta: Mr. Chairman, we determined that we are under no pressure to move this forward. So those time periods are adequate for the Commission. We don't have anything pressing, we don't have an application before us.

Chairman Pruet: Right, that's why, we can digest this and see if we can add or delete to this before we, we can do this now, on a continuing basis if we feel it is adequate, or if we need some more time to further debate it, discuss it.

Commissioner Lenares: I'll direct my questions to Craig, but I know that you are jumping into this kind of in the third quarter here, but some of the Commissioners may remember, I know there is a provision that we spoke about to allow the auto related uses back into the regulations but it was concerning the amount of acreage that the property had to be. Is that number, what was that number?

Craig Minor: Yeah, that's in here.....

Chairman Pruet: 6.11.8, the last page.

Craig Minor: Thank you. The last page, yes the numbering system is mixed up, the first paragraph says that the minimum lot area for a parcel containing an auto-related use or a motor vehicle service use, and again, the different kind of uses, shall not be less than one acre. Uses may be combined with other commercial uses when the total parcel is less than three acres. That was the wording from before.

Commissioner Lenares: My concern with that acreage I think that is so, so important in allowing these back because I know some of the people that I have talked to even you know, from the public or even Commissioners, they were worried about, not to be discriminatory but smaller garages that have used cars for sale, and whatnot, you don't want to open up a can of worms and have all these little mom and pop shops up and down the turnpike, and I think with that acreage there it kind of forces the hand of the businesses to be, like you said earlier, on that Jiffy Lube or Monaco Muffler, to have it as some sort of a conglomerate. I think that is very important in allowing them back into the regulations but one concern is, and I give you loads of credit for trying to be innovative and trying to split those regulations, but what if someone comes in with some sort of idea that wants to do auto repair but, or have a gas station. What I don't like is to limit ourselves in terms of what we allow and what we don't allow. The acreage might, I think, force that issue and say, well you can't open up a small mom and pop gas station and fix flat tires, but I know that how you wrote it, in terms of they wouldn't be allowed as I asked you earlier, but I mean is that fair, that we are going to limit ourselves like that to people who we can do business with?

Craig Minor: Well, it's up to the Commission what uses you want to allow in the PD and the BT zone. I can rewrite the regulations if you do want to allow gas stations, that wouldn't be difficult, or if you do want to allow general repairs. My impression was that you didn't but I can certainly.....

Commissioner Lenares: My comment to the Commission for the record, I wouldn't want to limit any kind of business. Yes, unfortunately I don't want, like some of the Commissioners have expressed these, and I don't want to call them, I keep using mom and pop, not there is anything wrong with mom and pops actually, I have a family owned mom and pop business in town, but for the sake of keeping the turnpike to the credit that it deserves in terms of these conglomerate of businesses up and down the turnpike, to have these little shops open up that could be maybe negatively affecting in terms of aesthetics, I don't know if limiting ourselves

in terms of, what if we had some big conglomerate gas station that does oil changes on a two bay, out in the corner of the lot.

Craig Minor: Well, they wouldn't be, you mean a new one? They wouldn't be allowed, because gas stations are not allowed under the new regulations.

Chairman Pruet: Okay, I need some input from my fellow Commissioners here on what has been presented, and is this what we are intending, what we are looking for.....

Commissioner Lenares: Let me just clarify a statement Mr. Chairman, what I'm saying if something happened where, let's say now gas is at an all time high at four something a gallon or whatever it is, for some reason all of the gas stations go out of business in town, and there's only one, let's say there is one left and yet we have parcels in town where we would allow them to come into, why would we shun ourselves in the future, say five, ten years from now of these gas stations being able to come here. Now we have one gas station in the whole town of Newington and our regulations say, we don't allow gas stations when ten years, twenty years earlier we had twenty.

Chairman Pruet: Wouldn't they be grandfathered in?

Commissioner Lenares: No, no, I'm saying like a brand new one, all the others closed down. For some reason all the gas stations go out of business, yet now, twenty years later we need to have a gas station come in and our regulations don't allow it, that's ridiculous.

Craig Minor: Your regulations don't allow it because your Plan of Development says you want to discourage automotive uses on the Berlin Turnpike. That's the beauty and the problem of having the board made up of different people. You are all not going to be in lock step with each other. Some of you are going to want to go a little bit further into the direction of the other Commissioners. It might be helpful for you to have the discussion among yourselves and take a straw vote as to what uses you do want to allow on the Berlin Turnpike.

Chairman Pruet: I think we've been doing that all along, but I think we need to be more specific.

Craig Minor: Right.

Commissioner Camerota: It's hard to be specific when you don't know what the future is going to bring out there. So, we can list them all, I'd still like, I may not want all, but a combination.....

Commissioner Lenares: And I thought about it Michelle, during and between meetings, and it's funny because I don't know what board is going to be here ten years from now, I feel confident with these Commissioners and these, this board, I mean, we can make a great decision because we work well together, great opinions, great minds, we work things out, I don't know what is going to happen in the future, so it's almost like yes, I would like it to come here now while these people are sitting here, but I don't know who is going to be here in the future, but I feel confident that this board, when presented with something that was given us some leniency on whether it could be allowed if it would within our regulations, or a Special Exception, we could make a great decision for the town, but I just wouldn't want to limit even the future boards if I'm not here, if we're all not here, why should we limit who we do business with in the future, especially now, considering the economic climate that we are in. Thank you.

Commissioner Hall: One thing I have learned, having sat here, out there, or along here over the past twelve years is that we don't like something, we change it. I think this is about the third time we have visited the auto use, so I have great confidence that in the future, we can get in there and change it again. So I think we have to decide what we want to do now, make our best decision, and hope that future boards can live with this, and if they can't they will do what we are doing, change it.

Chairman Pruet: If I could, we could do several things, we can digest this right now and then get input, or we can keep it open for discussion, do our homework, come back at our next meeting and get specific input from each Commissioner on what we would actually like to do with this. That's just a, I'll just throw it out there and welcome other people's opinions.

Commissioner Hall: This is the first time that we have actually seen this in print, along with Craig's letter which I find to be very helpful and I think if we take the time between now and the next meeting to review this, I think we will have a better handle on it. I do find that it is difficult to sit here, read, listen, hear what the public has to say, and make a good decision. I would rather have some time to review it quietly.

Chairman Pruet: I agree.

Commissioner Camerota: And if I'm correct Craig, if we even say, okay we are going to go with this, or make changes, we, it's not going to change the date of the public hearing. We still have.....

Craig Minor: Well, if you tell me to send this to CRCOG then you can have a public hearing at your second June meeting, no first June meeting.

Commissioner Camerota: What if we had you send it after the next meeting?

Craig Minor: Then you would be able to have the meeting at the second meeting in June.

Chairman Pruet: That's okay, we haven't had a stop watch on anything, like Commissioner Aieta said, there is nothing pending, there is nothing in front of us to motivate us to act quickly on that, so I think, does anyone else have another opinion on this, to digest what we have here.

Commissioner Sobieski: Over the past, most gas stations, got rid of the repair business, went straight to gas. I think there are only about two or three stations left in Newington that pump gas and do auto repairs. I don't really see it going back the other way. Dave does have a point though, we don't want to limit ourselves to that, but we just want to be cognizant of the fact, how many gas stations, used to be like Patz Brothers, Ron's down on Hartford Avenue, so those are all gone now, most of those people, what happened, they lost their gas franchise first, and then were not able to keep enough to generate auto repair, because the oil companies, I think it was Charter, they jacked the rents so high, they had to get out. So that is something that we do have to keep in the back of our mind. Just a point of information.

Commissioner Lenares: I couldn't agree more Stan. I do see that trend, bucking the system, having them separate, and I'll go back to, I think that provision about the acreage, and I'll give you an example, like the station across from my business, the Sunoco Station. He's got gas and a three bay garage. If he had to move, let's say to the turnpike, he'd have to sit on a piece of property that was a minimum of an acre. It just wouldn't work, so the type of business that you are going to get with a minimum of an acre, you are going to get one of

those let's just say, wealthier companies, bigger companies, something that has a little more backing, you're not going to get the sole proprietor that is going to go up there and try to make it happen and turn it into a quarter of a million dollars, so I think the provision of the acreage is so, so important, rather than saying, we don't allow gas stations, you've either got to be a gas station or you've got to be, you know, splitting the regulations. I think the acreage is so important because that forces without being discriminatory the type of business that you are going to try to hopefully do business with in the future.

Chairman Pruet: Thank you.

Commissioner Anest: Craig, how did you determine what was going to auto related uses and what was going to be considered.....

Craig Minor: I kind of used what the state, how the state regulates auto related uses, and the State of Connecticut under different statutes regulates gas stations, and a different statute regulates dealers, or none of the above, which are the lubrication shops, windshield wiper replacements, that's all, I took that from the statute. So that is how I came up with those categories, because they already exist, the legal definitions.

Commissioner Anest: So if we wanted to say allow the sale of gasoline, then we would have to change the motor vehicle service use....

Craig Minor: To put in a gas station.

Commissioner Anest: Right, but we would have to change that term.

Craig Minor: Correct, well, no you wouldn't have to change the motor vehicle service use term, just change the definition of it.

Commissioner Anest: So we could just add, or just delete it from the auto related use and throw it into the.....Thank you.

Chairman Pruet: Anyone else have any ideas of how we could build upon this, or discuss even further or again, just feel better about taking this back and just studying it and just start anew. I think that is the best way to do it, with Craig's letter and his zone amendment use here. I think we will keep this open and assign everybody some homework for our next meeting where I will be calling upon each Commissioner to have their input on this, to see what direction we want to follow on this issue.

Any body from the public wish to comment on this?

VII. PETITIONS FOR SCHEDULING (TPZ May 9, 2012 and May 23, 2012.)

- A. Petition 07-12 – Eighth Street, Metropolitan District Commission 50 Murphy Road, Hartford, CT owner and applicant, contact Steve Hallowell, Wright Pierce, 169 Main Street, 700 Plaza Middlesex Middletown, CT request to amend Special Exception 10-29 Section 3.2.2 Public Utility Installation for emergency generator system at Eighth Street pump station.

Craig Minor: The applicant called me this afternoon to say that he would not, he was dealing with the bureaucracy of the MDC and he was not able to get the application material to me in time today, so he will be on your agenda for the next meeting.

VIII. REMARKS BY COMMISSIONERS

Chairman Pruet: I want to mention, Commissioner Lenares brought this to my attention, it was a very good point, I think we will change the format under Remarks by Commissioners to have it after Public Participation so Commissioners can comment on what the public has to say. For tonight we will go by the format.

Commissioner Anest: I understand that the blight ordinance will be in front of the Town Council at their next meeting. Is there any way that we could get a draft of what they're getting and then also try to get on the agenda or be there so it doesn't get closed before we have a turn to review it as a Commission and bring our concerns to them, instead of going before them during public participation? I think it's important that we have input with their sub-committee or with the Council.

Craig Minor: I will certainly talk to the Town Manager about that.

Commissioner Anest: Okay. Then the other thing is I understand Victory Gardens is coming before them in four weeks.

Craig Minor: Actually yes, the Victory Gardens applicants will make a presentation to the Town Council at the meeting on the 22nd.

Commissioner Anest: Would you see if we can join in? I had asked, a couple of meetings ago if we could have a presentation by Victory Gardens, so instead of them doing two separate presentations, if we could do it as one, because then we're not getting different information, maybe asking different questions, and this has been brought by the public before that when there is a project going on in town, the Council wants to know what is going on, we want to know what is going on and even Conservation. I think we should all get together, so we know what everybody is saying, and what the feelings are of the other Commissions.

Craig Minor: Okay, I'll talk to the Manager about that. The idea of having a joint Town Council-TPZ meeting

Commissioner Anest: Well, they could just invite us to the meeting.

Craig Minor: Would you mind being invited but sitting in the audience?

Commissioner Anest: That's fine. Let us know, because we don't get, the Commissioners here don't get the agendas for the Town Council so if we don't go to the meetings, we don't know what is going on.

Craig Minor: I'll make sure you get.....

Commissioner Anest: If we get invited at least we can be there to hear the presentation.

Commissioner Sobieski: Maybe we should get copies of the Town Council's agenda mailed to us. Or is it on line?

Chairman Pruet: It's on line, yes.

Craig Minor: But it probably wouldn't be any trouble for the Town Manager's assistant to automatically send you a copy of the agenda. I imagine she sends it electronically to the Council members, she could just add your names to the distribution list.

Craig Minor: Is that already happening?

Commissioner Anest: You can sign up on line to get any agenda you want.

Craig Minor: I think as Commissioners it is reasonable for you to ask to be sent copies.

Commissioner Anest: Thank you.

Commissioner Aieta: Mr. Chairman, I have a couple of things that I want to bring up. I've asked this Commission if we could, look into Section 6.1, the regulations for the off street parking and loading regulations and particularly to the point where we, tonight we relaxed our regulations for the furniture, this particular furniture operation. I would like to see us at least have the opportunity to study this portion and talk about maybe adding a section under the retail for furniture stores, and to relax the regulation completely for other furniture stores. What I'm saying is that I think we're all in agreement that a furniture store only requires two parking places per thousand instead of the six that the regulations calls for, and we might have the opportunity for some economic development by some of the other large stores that have tremendous parking areas, that maybe there could be a pad site there, with the understanding that they would have to do the same thing that the Brown property did, where they put covenants on the land records that if it was not a furniture store, it could only be a furniture store, or they would have to cut down the square footage. I would just like to look at it, and have other people have the opportunity that we gave to the previous applicant, I mean, relaxing the regulations by sixty-six percent. We went from six to two. That's a big jump in relaxing the regulation. I don't think we should do it specifically for one application. If we are going to think in those terms maybe we should think about changing the regulations, adding this provision under retail and take furniture stores as a separate entity and allow them to only have two parking spaces per thousand. Something that I'm just throwing out to the Commission if they want to do that or not. It would be a fair way to look at it. I was concerned, I thought that the way that this was handled, this application, I thought it would have been better if they had petitioned this Commission to do exactly what I'm saying instead of saying we don't think that Section 6.1 reflects what is happening in the furniture industry, we don't think we need six, they should have asked for a change in the regulations and proceeded that way instead of coming in, they could have done that that way. It would have been a cleaner easier way to do it instead of asking for a relaxation of the regulations by sixty-six percent, so I'm just asking if we could take this up at another meeting and put it on the agenda for another meeting.

Chairman Pruett: We can put it on the agenda for the next, on the discussion on 6.1.

Commissioner Aieta: Okay, the other thing I have, a couple of items for the Town Planner to relate to the Zoning Enforcement Officer. We had approved within the last year or so, an auto related use on Pane Road. It's called A Plus Autos. It's right next to the parking area of Raymour and Flannigan furniture store, it's the first building on Pane Road on the north side. I would like to have the Zoning Enforcement Officer pull the records for how they were approved, look at the Conditions of Approval because they are going beyond what their conditions require. They, we specifically, Ed Meehan specifically asked that the gate and driveway to the eastern side of the building not be used as an entrance and exit and it is being used that way. The gate is open all of the time, going in and out. Also part of the application approval of conditions was that they were only supposed to display four cars maximum. They have eight, ten cars out there, parked up on their landscaped area. So I would like to have the Zoning Enforcement Officer check the, what the conditions were and have them comply with the Conditions of Approval.

Also, there's a building in the Industrial Park, it's on the corner, it's the first street, Progress Circle. There is a building that was a display manufacturer building and it's privately owned, not by the company that was in there. The company decided to move or go out of business or whatever, and they've sold or leased their building to a laundry. They are doing some renovations to the outside of the building in the back of the building and I want to make sure that they are complying with the Zoning Regulations in the PD Zone. From what I understand from talking to people that they were going to use that area back there, they took out a loading dock and made it a platform, and they were going to use it for outside storage. I just want to make sure, if it is a change, it would have to come back to this Commission for a review. Also, they are doing this outside renovation and we don't have an idea of what they are doing. That's it, thank you.

Chairman Pruett: Okay, other Commissioners?

Commissioner Hall: I want to thank whoever included the Zoning Enforcement Report, that was quite awesome, but what I would like also is the follow up. For instance, just picking two randomly, 110 Holmes Road back on March 13th, the outcome was the owner contacted the office and agreed to remove the unregistered autos. I'd like to know if those have actually been removed. Also, the next one, 22 Ledgecrest, also back in March, the outcome was the owner contacted the office and agreed to remove it within three weeks, that would bring us probably no later than the second week of April, and I know for a fact that that building is still there. So if we just can follow up on some of these reports, great, but do they stick? That's the question.

Chairman Pruett: We'll have Mr. Hanke check that out.

IX. STAFF REPORT

None

X. PUBLIC PARTICIPATION (For items not listed on agenda)

Maidy Kinney, 63 Crestview Drive: I just wanted to thank Carol for requesting that the town Planning and Zoning receive the information at the town council meeting, about the blight ordinance. This type of communication is so important between Council and members of other Commissions when direct links are there, and to have everybody hearing the same information at the same time I think significantly reduces any difficulties with communication and interpretations. Thank you Carol.

Rose Lyons, 46 Elton Drive: Once again on the subject of blight, I would like to thank our highway department for their taking care of numerous requests from me to remove furniture from the streets of this town. I think that if you go by and you see couches, chairs, out on Main Street, for three or four weeks, it indicates to me that the resident of that home, either that furniture doesn't belong to them, or they don't know where to call, so I have called the highway department on several occasions, and they have forwarded that information on to the people who collect the trash, the bulk waste and things like that. So kudos to them for all that they do for the town to keep it clean and I hope that our blight ordinance gives our, well I won't say Zoning Enforcement Officer because we don't know who is going to be enforcing it. I hope it gets some teeth in the law that we can take care of situations like that. I appreciate all the efforts that you are putting in, and I like Maidy, am pleased to see that you are going to try to get to the Town Council meeting so that you can be there to discuss or hear at least the

discussion at least regarding the blight ordinance that has been in the works for many, many years now. Thank you.

Terry Borjeson, 45 Glenview Drive, Newington, I'm also on the Town Council and I'm also the liaison for the TPZ. You haven't seen me yet, and I apologize for that, I have had conflicts up until last Wednesday, Rose shamed me into it, I was going to do it anyway, the timing was terrible, but I'm here and I certainly understand the concerns about communication. I think the blight ordinance is huge, for this committee and to the Town Council, for all of us as citizens, so I will take a very active role in that. I know that Craig is going to talk to John, I was at a CRCOG meeting today, and I intend to meet with John tomorrow about that, I will also bring up the issues I am raising about the blight ordinance and the Victory Gardens and make sure that you are invited, and potentially, and I'm not sure how this works, be able to talk about it at the meeting, but I need to find that out. Again, I want to say, from now on, I'm going to be here, I'm going to be around, and I want to thank Rose for really, and I'm glad Mr. Bottalico is here too for some bi-partisan representation. But seriously, major issues that you have, I certainly will be involved going forward.

Chairman Pruet: Thank you Councilor.

XI. CLOSING REMARKS BY CHAIRMAN

Chairman Pruet: Again this is a very active and knowledgeable Commission, I appreciate everybody's input. I agree with Commissioner Lenares I think we do, as a group, I think we, we may not always agree, but we do our homework, and I think we make decisions that are best for the Town of Newington.

XII. ADJOURNMENT

Commissioner Sobieski moved to adjourn the meeting. The motion was seconded by Commissioner Camerota. The meeting was adjourned at 8:07 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary